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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/435,375 05/05/95 MCFARLAND

M P16301275

EXAMINER

HOYNH, B

ART UNIT

PAPER NUMBER

24M1/0709

JAMES W PETERSON
BURNS DOANE SWECKER & MATHIS
PO BOX 1404
ALEXANDRIA VA 22313-1404

2415

DATE MAILED:

07/09/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/18/96 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-848. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- 1.
- ☒
- Claims
- 1-7
- are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

- 2.
- ☐
- Claims _____ have been cancelled.

- 3.
- ☐
- Claims _____ are allowed.

- 4.
- ☒
- Claims
- 1-7
- are rejected.

- 5.
- ☐
- Claims _____ are objected to.

- 6.
- ☐
- Claims _____ are subject to restriction or election requirement.

- 7.
- ☐
- This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

- 8.
- ☐
- Formal drawings are required in response to this Office action.

- 9.
- ☐
- The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are
- ☐
- acceptable;
- ☐
- not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-848).

- 10.
- ☐
- The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been
- ☐
- approved by the examiner;
- ☐
- disapproved by the examiner (see explanation).

- 11.
- ☒
- The proposed drawing correction, filed
- 4/18/96
- , has been
- ☒
- approved;
- ☐
- disapproved (see explanation).

- 12.
- ☐
- Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has
- ☐
- been received
- ☐
- not been received
- ☐
- been filed in parent application, serial no. _____; filed on _____.

- 13.
- ☐
- Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

- 14.
- ☐
- Other

EXAMINER'S ACTION

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Part III DETAILED ACTION

1. The amendments filed on 4/18/96 have been entered into the record.

Claims 1-7 are pending in the application.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 4/18/96 have been received and entered.

Claim Rejections - 35 USC § 103

3. Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Bates et al. The ground of rejection continues to be that set forth in paragraph 4 of the 1/18/96 Office action.

Response to Amendment

4. Applicant's arguments filed on 4/18/96 have been fully considered but they are not deemed to be persuasive.

The applicant correctly argues that the display order list in Bates et al. is a dynamic variable computed on the basis of the extend to which the user has used the window in the past, and thus fail to return an indicated-remove window to its original position. However, the Examiner position is that it would have been obvious to one of ordinary skill in the art, at the time the

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invention was made, upon reading Bates, to implement a list that is not time variant thus returning a window to its original position. Considering a teaching of Bates in col. 4, lines 29-34, a window display order list is generated by the computer. A window timing device is implemented such that the order of windows in the list may change depending on the amount of time the user interact with each of the windows. Also, the list may not change, if the user reset the window timing (col. 6, line 33-35). In this embodiment, all windows start fresh as if they have not been activated, and thus allowing an activated window to return to its original position. This teaching suggests that if the window timing is reset after every section or permanently deactivated then the windows display order list will remain unchange, and the windows will be displayed at the same position every time the system is started. Thus it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to deactivate the window timing function in Bates et al. such that to display the window in a fix order. Motivation of the implementation is to return the windows to the locations which are already familiar to the user. It has been held that the elimination of an element when its function is not desired would have been obvious to one of ordinary skill in the art. In re Wilson, 153 USPQ 740 (CCPA 1967).

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Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Thursday from 7.30AM to 6.00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

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Huynh-Ba

6/26/96

HB



RAYMOND J. BAYERL
PRIMARY EXAMINER
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